

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, IN 46206-6288
U.S.A.

Phone 317 276 2000

Direct Dial: (317) 433-4855
Facsimile: (317) 276-3861
M.Sayles@Lilly.com

March 8, 2004

VIA OVERNIGHT MAIL

Ms. Lisa Spaethe
1404 Spruce Drive
Carmel, IN 46033

Re: Declaration and Power of Attorney – Patent Application

Dear Ms. Spaethe:

We are enclosing herewith a Declaration and Power of Attorney ("Declaration") - Patent Application for U.S. Patent Application No. 09/836,567; entitled Methods for Identifying and Treating Resistant Tumors; filed, 17 April 2001; in the names of Jason Scott Sawyer, James Jacob Starling and Stephen M. Spaethe (deceased), inventors. As legal representative for the estate of Stephen M. Spaethe, we request your signature where indicated on the enclosed Declaration for filing in the United States Patent and Trademark Office.

Per the enclosed Assignment, Stephen M. Spaethe was under an obligation to assign all his rights to any inventions made during employment by Eli Lilly and Company ("Company") to the Company. As legal representative, this obligation may be fulfilled by your signature. Please also forward legal documentation attesting to your legal status as representation for the estate of Stephen M. Spaethe.

We would very much appreciate your prompt attention to this matter.

Should you refuse to sign as legal representative, please sign below where indicated. As an additional matter, should we not receive a response in ten (10) business days from the date of this letter, we will assume that you have refused to sign as legal representative.

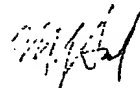
Answers That Matter.

Ms. Lisa Spaethe
March 8, 2004
Page 2

Should you have any questions concerning this matter, please contact the undersigned at the telephone number listed below. In the alternative, you may contact Rebecca Ball at Barnes & Thornburg at (317) 231-7511.

We thank you for your continued assistance in this matter.

Regards,



Michael J. Sayles
Patent Counsel

MJS/mdh
Enclosure

I hereby refuse to sign the enclosed Declaration and Power of Attorney; - Patent Application for U.S. Patent Application No. 09/836,567; entitled: Methods for Identifying and Treating Resistant Tumors; filed, 17 April 2001; in the names of Jason Scott Sawyer, James Jacob Starling and Stephen M. Spaethe (deceased), inventors.

Lisa Spaethe

Date